

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL J. KRIZ,

Plaintiff,

vs.

DR. SANAT K. ROY, et al.,

Defendants.

8:20CV110

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Motion for Leave to Appeal In Forma Pauperis (Filing 15). Plaintiff filed a Notice of Appeal (Filing 14) on November 19, 2020. Plaintiff appeals from the court's Memorandum and Order and Judgment dated October 19, 2020 (Filings 12, 13), in which the court dismissed this matter without prejudice prior to service.

As set forth in Federal Rule of Appellate Procedure 24(a)(3):

(a) Leave to Proceed In Forma Pauperis . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court—before or after the notice of appeal is filed—certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding ; or

(B) a statute provides otherwise.

The court finds that because Plaintiff, a non-prisoner, was permitted to proceed in forma pauperis in the district court (see Filing 7), he may now proceed on appeal in forma pauperis without further authorization.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Leave to Appeal In Forma Pauperis (Filing 15) is granted.

Dated this 20th day of November, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge